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15 **UNITED STATES DISTRICT COURT**

16 **DISTRICT OF NEVADA**

17 RODNEY LEVETT BARTLETT,) No. 2:21-cv-01579-NJK
18 Plaintiff,)
19 vs.)
20 KILOLO KIJAKAZI,) **UNOPPOSED MOTION FOR**
21 Acting Commissioner of Social Security,) **EXTENSION OF TIME TO THE FILE**
22 Defendant.) **ANSWER AND ELECTRONIC**
23) **CERTIFIED ADMINISTRATIVE**
24) **RECORD**
25) **(FIRST REQUEST)**
26 _____
27
28

1 Defendant hereby moves for a 45-day extension of time to file Defendant's Answer and
2 electronic Certified Administrative Record (eCAR). Defendant's response to Plaintiff's
3 Complaint and eCAR are due to be filed by November 15, 2021. This is Defendant's first motion
4 for extension of time to file the Answer and eCAR. In support of this request, Defendant states
5 the following:
6

7 1. The COVID-19 pandemic significantly impacted Defendant's operations, and
8 particularly the Office of Appellate Operations (OAO).¹ Beginning in mid-March 2020, OAO's
9 staff members began to telework to protect employee health and prevent the spread of COVID-19.
10 As a result, critical in-person physical tasks associated with preparing CARs could not be
11 accomplished. To ensure continuity of operations, OAO redesigned its business practices to allow
12 for a mostly virtual preparation process. The transition required, among other things, OAO to
13 modify and test technology, retrain staff, and modify blanket purchasing agreements with the
14 transcription typing services relied upon to prepare transcripts of agency hearings. OAO has
15 continued to innovate in order to improve productivity.
16

17 2. In addition to the impact the COVID-19 pandemic has had on physical operations,
18 a major contributing factor to OAO operations was a substantial increase in district court filings.
19 New case receipts during the last quarter of FY 2020 and the first quarter of FY 2021 increased
20 (on average) to 2,257 case receipts per month, as compared to 1,458 per month for the same period
21 one year before.
22

23 3. As of the end of September 2021, OAO had approximately 1,500 pending new court
24 cases, representing a decrease in the backlog of more than 9,500 cases since January 2021.
25

27 28 ¹ OAO is based in Falls Church, Virginia, and is the office responsible for physically producing
the certified administrative records for cases nationwide that are filed under Sections 205(g) and
(h) of the Social Security Act, 42 U.S.C. § 405(g) and (h).

4. There remains, however, a backlog of cases to be processed, including this case. The undersigned has communicated with OAO on the eCAR in this case, and OAO is waiting on the transcription of the ALJ hearing while it reviews and compiles the electronic file. OAO believes this CAR can be completed within the next 45 days.

5. Accordingly, Defendant respectfully requests that the Court grant this Motion and permit an additional 45 days, until December 30, 2021, for Defendant to file a responsive pleading and the eCAR in this action.

6. Defendant conferred with Plaintiff's Counsel regarding a 45-day extension of time, and he confirmed on November 8, 2021, that he does not oppose this request.

WHEREFORE, Defendant respectfully requests the Court grant a 45-day extension of time to file the Answer and eCAR, through and including December 30, 2021.

Dated: November 09, 2021

Respectfully submitted,

CHRISTOPHER CHIOU
Acting United States Attorney

/s/ Daniel P. Talbert
DANIEL P. TALBERT
Special Assistant United States Attorney
Social Security Administration

KRYSTLE S. MCMULLAN
Assistant Regional Counsel
Of Counsel

In addition, a paper copy of the administrative record must be submitted by March 4, 2022.

IT IS SO ORDERED:

HON. NANCY J. KOPPE
UNITED STATES MAGISTRATE JUDGE

DATED: November 10, 2021